

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

MELODIE DECKER, LANAE)
HANSULD, CYDNEE HARRELL,)
KATIE TRENTAM, KIMBERLY ROSS,)
and SHANNON ROBERTS, On Behalf of)
THEMSELVES and All Others Similarly)
Situating,)

Plaintiffs,)

v.)

SUBWAY SANDWICHES AND)
SALADS, LLC, EASTERN TENNESSEE)
SUBWAY DEVELOPMENT, INC.,)
CHATTANOOGA SUBWAY LLC, EAST)
TENNESSEE SUBWAY LLC, TRI CITIES)
SUBWAY LLC, FIVE STAR SUBWAY)
LLC, FOOTHILLS SUBWAY LLC, JOHN)
P. BOIKE, and RANDALL E. LOWE,)

Defendants.)

No. 3:12-cv-563
(VARLAN/SHIRLEY)

**AFFIDAVIT OF JAMES H. PRICE FILED IN SUPPORT
OF MOTION FOR ATTORNEYS' FEES AND COSTS**

STATE OF TENNESSEE)
)
COUNTY OF KNOX)

Comes the Affiant, James H. Price, after being duly sworn and under oath, and states upon personal knowledge the following:

1. I am a 1993 graduate of the University of Tennessee College of Law and have been a member of the Tennessee Bar since 1993. I am over the age of 18 and competent to make this affidavit.

2. I am a partner in the law firm of Lacy, Price & Wagner, P.C. ("LPWPC"). I represented the plaintiffs, Melodie Decker, Lanae Hansuld, Cydnee Harrell, Katie Trentham, Kimberly Ross and Shannon Roberts (collectively "Plaintiffs"), as lead counsel in this civil action.

3. This matter was pending for almost one year and during that time considerable effort was undertaken by our firm to ensure we obtained the best result possible for our clients.

4. LPWPC's lawyers track and record their time in the firm's billing system. A copy of our time records evidencing the time expended on this matter are attached to our Motion as **Exhibit A**.

5. The fees requested are reasonable in consideration of the time devoted to performing the legal services; the novelty and difficulty of the questions presented and requisite skill required; the fee customarily charged in the geographic area for similar cases; and the experience, reputation, and ability of the attorneys involved.

6. The expenses incurred in the case are reflected in the time record statement as well.

7. All time reflected in **Exhibit A** was time expended by our firm's lawyers in prosecuting this matter and was reasonable, necessary and directly related to the prosecution of this matter. None of the time reflected in **Exhibit A** was expended for any other matter or in anticipation of any other matter. In relation to Plaintiffs' recovery, our firm's time spent appears to be more than reasonable when compared to similar FLSA cases, to wit:

<u>Cases</u>	<u>Damages Recovery</u>	<u>Attorney's Fees Awarded</u>
<i>Fegley v. Higgins</i> , 19 F.3d 1126 (6th Cir. 1994)	\$7,680.00	\$40,000.00
<i>Greene v. Westwood Prop. Mgmt., LLC</i> , 2009 U.S. Dist. LEXIS 78652 (M.D. Tenn. Aug. 29, 2009)	\$12,145.34	\$50,000.00

<i>Abelkahleg v. Precision Door of Akron</i> , 2010 U.S. Dist. LEXIS 5461 (N.D. Ohio Jan. 25, 2010)	\$3,948.96	\$30,470.10
<i>Howe v. Hoffman-Curtis Partners Ltd., LLP</i> , 215 Fed. App'x 341, (5th Cir. 2007)	\$23,357.30	\$129,805.50
<i>Dyke v. BTS Container Serv.</i> , 2009 U.S. Dist. LEXIS 83919 (D. Or. Sept. 15, 2009)	\$4,724.29	\$38,947.17
<i>Estrella v. P.R. Painting Corp.</i> , 596 F. Supp. 2d 723, 728 (E.D.N.Y. 2009)	\$65,877.60	\$72,136.25
<i>Galdames v. N&D Inv. Corp.</i> , 432 Fed. App'x. 801 (11th Cir. Fla. 2011)	\$28,000.00	\$112,495.00
<i>Grant v. The Shaw Group, Inc.</i> , No. 3-08-cv-350, E.D. Tenn.	\$6,916.20	\$86,205.15

8. I attest to the authenticity of the time entries contained in the time record statement attached to the Motion for Attorneys' Fees and Costs filed herewith.

FURTHER THE AFFIANT SAITH NOT.


James H. Price

Sworn to and subscribed before me
the 5th day of November, 2013.


Notary Public
My Commission Expires: 5/7/17

